2:Seligman & Seligman E-5 (1909-1910) 1932
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he that a married woman considers herself a member of her husband's family, but as a sign of respect addresses her husband's relatives in such case as though she belonged to a younger generation than she does in reality. A custom in vogue among the Shilluk may have some connection with this usage, i.e. widows other than the mother are taken as wives by a man's sons. Further, it is not considered disgraceful for young unmarried sons to sleep with their own father's wives. A young wife may thus see herself as the consort to two generations at once, and address her husband's sisters and parents by those terms that she would use if she were wife of the younger of the two successive mates. A woman still belongs to her own clan after marriage, so it seems strange that she should use the terms employed by her husband. In this connection it must be noted that in some districts husband and wife address one another as *umia* and *nyimia* before the birth of the first child, and that a man calls his wife's sister *nyimia*. This last anomaly may be due to some feeling that the wife is taken into the family of her husband, though no adoption ceremony was discovered. It should be noted that a man calls his wife's sister "sister"; he does not treat her with any ceremony, and if she visits her married sister the husband is not bound by any taboos, though he cannot have connection with her as he can with his *yura*. In certain circumstances (the death or barrenness of a wife) he may marry her.

Everywhere the "in-law" relationship is one that requires much tact, and the Shilluk, as is usual in savage society, show respect by means of ceremonial avoidance. While much emphasis is laid upon the avoidance of persons related by marriage, it should be noted that there is no avoidance between blood-relations—a man does not avoid his mother, sister, or daughter.

A Shilluk avoids all those whom he calls *ora*, of whom the first in importance is the wife's mother. In those parts of the Shilluk country that we visited, avoidance of the mother-in-law implied that a man must not enter her house, and care would be taken never to meet her face to face out of doors. If a man saw his mother-in-law he would take a different road and send a friend to greet her respectfully. We did not find avoidance carried to the length described by Hofmayr, who states that a man may not enter the village in which his mother-in-law dwells; one informant, however, told us that a man might not enter her village until the cows of the bride-wealth had been paid.

2:Seligman & Seligman E-5 (1909-1910) 1932
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storm the bride's homestead and throw spears into her courtyard; 585
in the end the bride gives herself up and goes to the dancing ground. Then the bride's mother takes a shield and spear and throws spears at the retreating bridegroom; he dodges these and retaliates by throwing a specially good spear at the women, which they keep as a memento. Finally the drums give the signal for a dance, and the bridegroom, dressed in a leopard skin, dances with the bride and her people. A drinking bout concludes the ceremony.

Hofmayr describes a rite in which bride and bridegroom 585
ceremonially wash each other's hands.[1] Mr. Heasty suggests that 604
this may refer to the washing of bride and bridegroom by the *waja* (father's sister) of the bride. When the bride first comes to live in her husband's homestead her *waja* accompanies her and initiates her in the duties of a wife. After the first night the couple have spent together the *waja* comes early in the morning and washes the husband and then the wife, and anoints their bodies with oil. This is repeated on several mornings.

Mr. Heasty describes a further ceremony in which washing plays 951 ●
a part. Before the birth of her first child a woman goes to her parents' [847]
house, and when the child is old enough for her to return with it [273]
to her husband her friends brew quantities of beer. This they take to the husband's village, where she returns with her mother and grandmother. The people of the husband's village drink the beer, a gourd of water is passed round and everyone drops in it some gift, which will be given to the women who have brewed the beer; at the same time the men wash their hands. This Mr. Heasty states is a public ceremony, exhibiting the child and signifying the fulfilment of the marriage. The bride-wealth has been given, the two families are friends, the husband need no longer serve his parents-in-law; in case of need his wife may even go to her parents and beg food from them.

The bride-wealth consists of cows, sheep, and spears, typically 583
as follows:—

Dak nuow, the cattle of the marriage. Usually ten cows, but more may be paid if a man is very attached to his betrothed.

Diek nuow, the sheep of the marriage.

Jaw nuow, spears and other goods.

The *dak nuow* are taken by the father, but he cannot keep them all; indeed, in some cases it might happen that he would keep none.

[1] Op. cit., 290 et seq.

2:Seligman & Seligman E-5 (1909-1910) 1932
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of a wife to the deceased will take place at the grave-side. After this the woman is considered as related to the dead man's family. Later she will really marry, but no statement is made as to whether cattle are exchanged at the grave-side marriage.[1]

A Shilluk may have intercourse with the wife of any man whom he calls *awa*, that is to say, his own brother by another mother, his father's brother's son, or his classmen of his own generation. He may claim the same privilege from the wives of his own father (except his mother) and of all those men whom he addresses as *wa*. A father will know that his son is consorting with his wife, and will go to another hut and say nothing about it. The attitude of our informants could be expressed thus: "Why should the father object? Surely it is better that his son should do this than go to other women, when he would be obliged to pay the fine for adultery?"

With regard to access to the wife of an *awa*, a young married man said that if he found that an *awa* had been to his wife while he was away he might feel very angry, there might be bad talk, but that would be all. The chief would say to him, "He is your *awa*. It is all right." And he would accept this, whereas if it had been a stranger he would try to spear him. A young unmarried man who was exercising his rights towards the wife of his *awa* (actually his father's brother's son) said that his *awa* (the husband) knew, and that he made no objection and was friendly towards him. A child of such a union always belonged to the woman's husband, and any idea of it belonging to the wife's lover was ridiculed.

Any attempt towards intimacy with the wives of *awa*, *umia*, *wa*, *oka* or *kwa* would be considered worse than adultery, and it was believed that the partners in guilt would die. Mr. Heavry states that intercourse with the wife of an *ova* would be looked upon in the same way.

About the sixth month of pregnancy a wife leaves her husband —for intercourse should now cease—and returns to her parents' house, where her child is born. Hofmayr states that both husband and wife are "unclean" until a few days after the birth of the child,[2] while Westermann notes that it is considered shameful for a woman to conceive during lactation;[3] if such a thing occurs it is usually supposed to be due to adultery, presumably because conduct leading

[1] Op. cit., 199.
[2] Op. cit., 171. A pregnant woman is decidedly dangerous; we heard of the death of a child, already ill, whose death was attributed to the visit of a pregnant woman to the house.
[3] Op. cit., 208.

to this result is reprehensible in a husband. We are not certain whether the wife leaves her husband during every pregnancy or only for the first, but there is no doubt that abstinence should always be maintained during the later months of pregnancy and during lactation. At the time of birth the husband will make enquiries about his wife, but he must avoid the house of his parents-in-law.

An experienced woman assists the mother at birth; she cuts the umbilical cord with a sliver of millet stalk and buries the afterbirth[1] outside the hut on the right of the doorway. The place where the afterbirth is buried is not marked in any way, lest an evilly-disposed person might dig it up and burn it. The exact result of such an action are not discovered, but if menstrual blood were burned the woman from whom it had flowed would become sterile. Before the midwife allows the young mother to nurse her first child she has to make confession of all her previous love affairs, lest she and the child should die. The husband, who is told the names of his wife's previous lovers, as a rule makes no complaint, for the confession refers to the time before marriage.

The infant must be exhibited to the father and other men, who will gather outside the hut to ascertain that it is not a monstrosity (p. 99) or deformed; in either event it would be thrown into the river, with, according to Hofmayr, a sheep as offering.[2] Except on this occasion the child is not taken out of the house during the first month of its life, and not often during the second month. At the birth of every child a goat is killed and the skin rubbed smooth to form a mat for the infant.

Names are given soon after birth and often refer to some incident that occurred in the family. If the father were to dream of an ancestor the child would be named after him, but this occurrence seemed comparatively rare. The birth name is retained throughout life, but Westermann states that a man often acquires a second name later, usually that of a cow or an ox.[3] According to Hofmayr, names play an important rôle in the life of a Shilluk, just as they do among the Dinka. A girl keeps her name for life, but a boy is continually adding names; they play the part of "decorations", he may take

[1] Hofmayr states that the mother eats the cord round her body (op. cit., 155); he supposes this to refer to the dry scurf that later drops from the child's body.
[2] Op. cit., 156.
[3] Op. cit., 160-1. This obviously refers to the ox-name given to a lad by his father at manhood.

but the usual fine for making another man's wife pregnant consists of three cows and one bull; if pregnancy does not result the fine is two head of cattle. Fines for seduction are paid to the girl's father and vary from one to three head of cattle according to whether or not the girl is made pregnant. If a woman has committed adultery, she confesses it at the time of childbirth; her husband then exacts the appropriate fines from the men concerned.

If children have been born outside marriage the eventual husband may take them over and will pay extra bridewealth cattle. Failing this, they are brought up in the gol of their maternal uncle and belong to his clan. He will receive the bridewealth paid on the marriage of the girls.(1)

Widow Inheritance

According to Westermann widows are inherited by the brothers of the dead husband or by his sons, who take the wives who are not their own mothers. He then adds that, if children are begotten from these wives, they belong to the family of the dead man and "they are like his own children."(2) This custom of raising up seed to the name of the dead man is general among the Nilotic tribal groups.

KINSHIP AND KINSHIP TERMINOLOGY

Ore

The in-law relationship of ore has been commented on by Seligman and Pumphrey. It appears to have two particular applications, being used in a narrow and in a wider sense.

A man describes as ore all his wife's kinsmen and, strictly, all the kinsmen of the wives of the men of his own generation belonging to his own clan. This extension may be because he is allowed, at any rate in theory, to have access to the wives of such classmen and temporarily takes over the in-law relationship with their parents. During the first years of marriage the members of the husband's gol have to respect and to avoid the members of the wife's gol. Pumphrey suggests that the basic reason for this is that the initial period of marriage is an unstable one and friction is gradually resolved as the bridewealth is paid off and children are born. To avoid friction the husband does not speak to his ore and meets them as little as possible.

In a wider sense the ore tie is connected with certain ore taboos. The breach of these taboos is believed to cause dimir ariberre, a form of illness believed to affect both mother and child who will die unless the man who induced the mother to break the taboo will split a gourd in two and sacrifice a sheep.(3) There are certain ore relationships between lineages and one lineage will be ore to another. Thus, if men of lineage A have married women of lineage B, C and D, there are ore relationships between A and B; A and C; A and D. In such a case no men of lineages B, C and D

(1) Pumphrey, S.A.S. 1941, Vol.XXIV, pp.54-5.
(2) Westermann, The Shilluk People, 1912, p.116.
(3) Pumphrey, S.A.S. 1941, Vol.XXIV, p.50.

Stowell E-4.5 (0937, 1968) 1953 FJ23 Shilluk FJ23

An analysis of Shilluk marriages has shown that many cattle which should be retained for bridewealth to be used by the bride's male kinsmen are, in fact, frequently paid away as debts, or slaughtered, or sold to obtain cash in times of famine. This is perhaps natural among the Shilluk, who have to place greater reliance on an agricultural economy, but whose agricultural activities are no more productive or reliable than are those in other parts of the Nilotic area.[1]

Pumphrey goes on to say,

accordingly it seldom occurs that, owing to the death of all the original marriage cattle, the wife's relatives become concerned in the breaking up of the marriage. Possibly as a safeguard against this very contingency the Shilluk have a custom which compels the bridegroom, during the first three or four years of his marriage, to replace by living cattle any of the original cattle he paid as bridewealth which may die in the interim.[2]

It is not clear, however, at what stage of marriage the bridegroom is absolved from this responsibility. Some Shilluk say that it no longer applies when the marriage is finally confirmed by the birth of a child and the bride's change of residence.

Pumphrey adds that:

It is a natural corollary of all this, that the progeny of the marriage cattle are not reclaimed. The claim is for a roughly equivalent amount of cattle. This amount will vary according to the number of children borne to the man by the wife.[3]

The Legitimacy of Children

With regard to the legitimacy of children in case of divorce, we hear that, 'the children born of the dissolved marriage are legitimate irrespective of the smallness of the cattle payments and of the fact that the marriage was short-lived'.[4] Pumphrey mentions, not here but later, that a certain number of cattle must remain with the wife's family if the ex-husband is to retain legal parenthood of these children. If these deductions are not made, the children are automatically classed as *okaya*.

On this subject Pumphrey says,

If the wife had produced sufficient children to wipe off the whole bridewealth, the husband will be entitled to receive nothing upon the termination of the marriage, except that . . . if the marriage has been broken through his wife's bad behaviour the husband may be awarded the return of at least a part.[5]

My own investigations lead me to believe that this statement is incorrect, at any rate according to the principles of Shilluk law, for although a husband may be so exasperated by the conduct of his wife as to demand return of all his bridewealth cattle, he can only do so by waiving all legal rights in the children of the union, and he is unlikely to do this.

Among the Shilluk these questions arise principally in connexion with subsequent rights in the bridewealth cattle of a daughter. The question of nomenclature, impor-

[1] Crop production in Shilluk country is unreliable and erratic because the soil on the high ground in the immediate vicinity of the villages is exhausted, while the land in the hinterland is subject to flood owing to poor drainage.

[2] Pumphrey: unpublished records.

[3] Ibid.

[4] Pumphrey, op. cit., p. 16.

[5] Ibid., p. 33.

Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

same woman and to do so would result in spiritual calamity and actual sickness (*dwak*) for which ritual expiation would be necessary, even though an indemnity would not be claimed. This spiritual bar does not apply to half-brothers though again no compensation would be expected. Immunity from the payment of compensation for adultery extends also to paternal cousins and agnatic kinsmen further removed in the kinship structure. The extent is variable—a link four to five generations back may still give immunity—but it appears that common residence in one hamlet or one settlement is a factor of importance. Shilluk say that this theoretical relaxation of the law of adultery is less commonly accepted than in the past and that compensation is more frequently demanded. This may be due to the fact that legal machinery is now available for the settlement of such claims, though presumably public opinion in the matter is expressed in the judgements of the Courts. Moreover, the network of obligations to assist relatives in the payment of compensation of this sort was cast wider in the past. Hence, theoretically at any rate, those who would receive compensation might well be those upon whom lies the obligation to assist in its payment. The two obligations thus cancel each other out.

The following court case illustrates the procedure.

Ajak wad Fadiet *v.* Awow *wad* Awingjok (*kwar kwak nian gier*)

Awow seduced Landeng, daughter of Akiec *wad* Nyaljok. Landeng was at the time betrothed to Ajak, who had paid nine head of cattle and thirty-six sheep. She had not, however, taken up residence with Ajak at the time of the offence and, since no child resulted, only one bull is claimable. The Court awarded Ajak one bull which will be handed over to Landeng's brother, since Ajak himself has no legal claim to it.

Akec *wad* Agiu *v.* Teytung *wad* Deng (*kwar yar nian gier*)

Teytung impregnated Nyandwaghai (daughter of Bilnyang, brother of Agiu) and she produced a girl-child. She was subsequently married to Ajing Amikwei for a full bride-wealth of ten head of cattle. The baby, however, remains with her maternal uncle and is *akuja*. Her maternal uncle has full rights in the child and will receive the bride-wealth on her marriage. Neither her mother's husband nor her physical father have any rights in her at all. This case was brought before the Court merely because Teytung had not completed the compensation payment which he was ordered to do. (He had, in fact, only paid two out of the three.)

Onak *wad* Maydeng *v.* Dogreg *wad* Ajwin (*kwar yar six diam*)

Dogreg seduced Onak's sister Agwer. She was at the time betrothed to one Bul Ayuil, but was living at home. A boy was born to Agwer after she had taken up residence with Bul, by then her legal husband. For this reason, the child (though actually dead) is considered to belong to Bul, though the compensation is claimed by Onak. The case was brought to the Court simply because Dogreg had paid no compensation which he had previously been ordered to pay by instalments. No dispute over legal paternity of the child or over the compensation cattle had arisen. Had the child lived (especially if it had been a girl-child) Onak might have claimed legal rights in it, though the ruling here, as we have seen, is that providing the child was actually born after the woman had taken up residence with her husband it should belong to him. In fact, the child was born a considerable time after Agwer had taken up residence with Bul. Otherwise the case might have been classed as *kwar yar nian gier* and assessed at only three head of cattle.

29:Dempsey M-5 (1940-1954) 1955
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feed for himself during the intervening months, and he spends the time drinking bowls of beer and smoking pipes of rank tobacco with his cronies, discussing the many complexities of women and particularly that formidable mother-in-law of his whom he may never visit, may never even meet, even going to the length of turning aside from her path and averting his head should he chance to see her on the road. He dreams up, too, rosy dreams of his daughter, for it is always a daughter of course, who will be the apple of his eye and the pride of his life during her childhood and who will bring in many heads of fat cattle when she becomes of marriageable age.

On the day of the birth, a custom, of interest to all, but fraught with a certain amount of apprehension and anxiety to some, takes place. Before the mother is given her baby to nurse she must name publicly all her former lovers. Failure to do so, it is averred, will result in the death of the child, and should she refuse to confess she would not be given the baby at all, but it would be reared by a foster-mother. It may be that the girl can say with honesty that she has had no pre-nuptial amours, and that up to the time of her marriage she had preserved her virginity intact. Since the general character of such a girl would be fairly well known in her own village, her word would be accepted and she would be given the child. But if perchance the infant should die, it would be taken as a sign that she had lied. Unfortunately such paragons of virtue among Shilluk maidenhood are rather rare, and the term 'virgin' applied to a nubile girl has something of an unmeaning character, useful only in distinguishing her from her married sisters. Nobody then is in the least shocked or surprised when the girl recites a number of names of men with whom she has been before her marriage.

The men thus accused may either admit the charge or indignantly deny it. If a man admits his transgression he must pay the outraged husband three sheep or goats, or, if he is the father of the child just born, three cows. If he denies the accusation he undergoes a variation of 'trial by

29:Dempsey M-5 (1940-1954) 1955
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ordeal'. He brings a sheep to the village where the girl is; a corner of the animal's ear is cut off and the piece put into a bowl of water and the man, the girl and the baby are sprinkled with the resultant blood and water. If by the following morning the child is still alive the man is adjudged to have lied and must pay compensation as above. If, however, the baby should die during the night, then the girl is held to have accused the man falsely.

During the reign of King Kur, whose despotic methods of government resulted in his being removed from office, a much grimmer and more realistic trial by ordeal was enacted. The man and the girl were brought to a channel of the Nile where a large crocodile habitually dwelt. By some means this brute was called up from the depths and the pair placed equidistant from it were made to swim across the channel, or, if they could not swim, were launched on flimsy rafts. The one that the crocodile seized was deemed to be guilty of lying. It is on record that one youth about to be put to the test in this manner protested thus, 'I know that I am innocent all right, but how does the crocodile know that?'

After the proceedings of the naming and the trying of the lovers is concluded, the mother is allowed to have her child. If it should be a boy, the father, who has been informed of the birth and sex of the child though as yet he is not allowed to see him, sends a present of a miniature harpoon, presumably indicative of his desire that his son should grow up to be a mighty hunter of hippopotami. Then a small basket is woven and filled with ashes of burnt cow dung. One of the baby's maternal uncles hangs the basket round his waist calling upon Nyikang to bless the child and to make him a good husbandman. (The basket containing the ashes represents the large family basket filled with grain.) He then walks round the hut where the baby is, beats upon the wall with the basket and then throws it into the road. If the child is a girl the ashes are mixed with water and the uncle makes models of a bull and a cow. Nyikang's blessing is invoked upon the child that at her marriage she may command a good

29:Dempsey M-5 (1940-1954) 1955
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dowry. The models are hung up in front of the hut and the ceremony is concluded with beer-drinking.

About a month later the child may be taken home to be shown to its father. The mother carrying the infant is accompanied by three or four girl friends and the old woman who attended her at the confinement. The father and his male relatives and friends inspect the baby outside the hut to satisfy themselves that it shows no deformity or any other abnormality. If such unhappily were the case, the child would be enclosed together with a live sheep in a basket and thrown into the Nile. When the father is satisfied that the child is normal, a goat or sheep is killed, the meat eaten at the ensuing feast and the skin scraped and softened to serve as a sleeping mat for the baby. Beer is prepared and the whole village invited to come to the party. Those who come, however, are expected to bring some small gifts of money, beads, bracelets and the like. These are the perquisites of the midwife, the beer makers and the girls who escorted the mother and child back to her home.

There are no special ceremonies for the birth of children after the first born, and the mother may or may not return to her father's village for her confinements as she pleases. There is however a little feast to celebrate the birth and, as before, a sheep or goat is killed and the skin used as the infant's sleeping mat.

During a woman's pregnancy neither she nor her husband is permitted to visit anyone who is sick. They are considered to be unlucky and their visit to a sick person would surely result in his death. The most that is allowed is that they may stand at the fence surrounding the house where the sick person is and enquire after him.

With reference to the custom of the young wife leaving her husband's home for her father's for the birth of her first child, it must be mentioned that the wives of the king, not merely on the occasion of their first born, but for all subsequent confinements, must leave Fashoda. They do not go to their former home, however, but to the village of some chief at a considerable distance from the capital. The child that is